

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

SMILEY J. HARRIS, et al.,  
Plaintiffs,

v.

MEDIACOM COMPANY, et al.,  
Defendants.

Case No. 15-cv-03163-NJV

**ORDER DISMISSING CASE**

On September 22, 2015, the court entered an order dismissing the original complaint due to procedural defects in identifying the plaintiffs in the action. (Doc. 14.) Plaintiffs filed their amended complaint on September 30, 2015. (Doc. 15.) On October 15, 2015, the court entered an order dismissing the amended complaint with leave to file a second amended complaint. (Doc. 17.) Plaintiffs filed their second amended complaint on November 4, 2015. (Doc. 18.)

The standards for pleadings set forth in the Federal Rules of Civil Procedure and federal case law were explained at length in the court's order of October 15, 2015, and will not be repeated here. The court retains its duty to review Plaintiffs' second amended complaint under 28 U.S.C. Section 1915(e)(2) just as it did Plaintiffs' first amended complaint. After conducting this review, the court finds that Plaintiffs' second amended complaint is nearly identical to their first amended complaint. The only significant change is the addition of the phrase "as applied to the downloading of media" after the acronym "DMCA" in paragraphs 50, 53, 56, 59, 62, 65, 68, 71, 74, 77, 80, 83, and 86. This minor alteration does not remedy the defect explained in the court's order of October 15, 2015:

Despite the titles of the thirteen causes of action, Plaintiffs provide no facts or other explanation that would enlighten Defendants as to how termination of Internet service based on multiple violations of copyright law would constitute discrimination or would entitle Plaintiffs to relief under any of the many statutory or Constitutional provisions cited by Plaintiffs. Plaintiffs thus do not give Defendants the required fair notice of the grounds on which their claim of discrimination rests.

(Doc. 17, 3:16-21.)

Having granted Plaintiffs two opportunities to amend their complaint to comply with federal pleading standards, the court finds that granting further opportunities to amend would be futile. Accordingly, this action is **HEREBY DISMISSED** for failure to state a claim on which relief can be granted. All outstanding motions are **DENIED** and the Clerk is directed to close this case.

**IT IS SO ORDERED.**

Dated: November 30, 2015



NANDOR J. VADAS  
United States Magistrate Judge